IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 34432 of 2006(Y)

PETITIONER:

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1. NADHIRA BHANU, W/O. SHAMSUDHEEN,
AGED 46 YEARS, SHAMNAZ VILA, CHERUVANNOOR MURIYIL,
CHERIYANAD VILLAGE, CHENGANNUR TALUK.

2. SHAMSUDHEEN,
SHAMNAZ VILA, CHERUVANNOOR MURIYIL,
CHERIYANAD VILLAGE, CHENGANNUR TALUK.

BY ADV. SRI.M.M.ALIAS

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETRY,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM.

2. THIRUVALLA MUNICIPALITY,
REPRESENTED BY SECRETARY, MUNICIPAL OFFICE,
THIRUVALLA.

3. C.M. VARGHESE, S/O.THOMAS MAMMEN,
AGED 70 YEARS, RESIDING AT BUILDING NO.24/392,
CHANDRAVIRATHIL,CALIPSO, KACHERI JUNCTION,
THIRUVALLA.

BY ADV. SRI.S.SUBHASH CHAND
SRI.V.V.NANDAGOPAL NAMBIAR
SRI.T.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 34432 of 2006

Dated this 9th day of January, 2007

JUDGMENT

Heard Sri.Alias.M.M., the learned counsel for the petitioner, Sri.S.Subhash Chand the learned standing counsel for the 2nd respondent, Sri.Mathew G.Vadakkal, the learned Government Pleader for the first respondent and Sri.V.V.Nandagopal Nambiar, the learned counsel for the 3rd respondent.

2. Sri.S.Subhash Chand, the learned counsel for the Municipality submits that on 20.12.2006, the Municipal Secretary has passed an order on the basis of a hearing which was conducted earlier and relying on his impressions gathered on the site inspection which was conducted on 3.1.2006. A copy of the order dated 20.12.2006 is handed over to me by the counsel and also to the learned counsel for the petitioner . As rightly submitted by Sri.Subhash Chand, the order dated 20.12.2006 is an order appealable to the Tribunal for Local

Self Government Institutions. Hence I relegate the petitioner to remedy by way of appeal and dispose of this writ petition without deciding the grounds raised. However, there will be a direction to the Municipality not to interfere with the order dated 20.12.2006 for a period of one month from today. The Municipality will ensure that a copy of the order dated 20.12.2006 is communicated to the petitioner within two weeks from today.

PIUS C.KURIAKOSE
Judge

dpk